

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID LOARTE,

Plaintiff,

vs.

1:11-CV-1259

RAYBEN ENTERPRISES, INC., and JAMES
JACKSON,

Defendants.

APPEARANCES:

DAVID LOARTE
Plaintiff, Pro Se
P.O. Box 1244
Troy, NY 12181

NIXON, PEABODY LLP
Attorneys for Defendants
677 Broadway
10th Floor
Albany, NY 12207

OF COUNSEL:

JOHN E. HIGGINS, ESQ.

DAVID N. HURD
United States District Judge

ORDER

On December 22, 2011, defendants filed and served a pre-answer dispositive motion seeking dismissal of the complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) or, in the alternative, summary judgment pursuant to Rule 56. Dkt. No. 9. The motion papers filed and served upon the pro se plaintiff included a copy of the model

Notification of the Consequences of Failing to Respond to a Summary Judgment Motion.

See Dkt. No. 9-4.

Plaintiff has failed to respond to defendants' motion by the February 9, 2012, deadline for opposition papers. Defendants' motion paperwork, including the sworn affidavit of Raymond H. Walker and the exhibits attached thereto, has been reviewed and provides a sufficient legal basis to warrant granting defendants' motion.

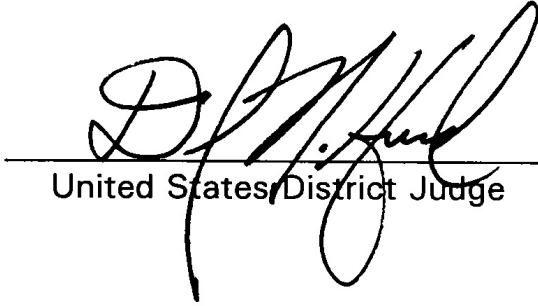
Therefore, it is

ORDERED that

1. Defendants' motion to dismiss and/or for summary judgment (Dkt. No. 9) is GRANTED; and
2. The complaint is DISMISSED in its entirety with prejudice as against all defendants.

IT IS SO ORDERED.

Dated: April 2, 2012
Utica, New York.



United States District Judge